



- b. RPD will review its General Orders to determine which, if any, may be published on its website, in a fashion similar to Fairfax County, Virginia's police department; and
- c. RPD will provide a status update to Plaintiffs' counsel ninety (90) days from the date of this execution, and on a continuing basis thereafter, until all policies have been reviewed.

2. The MOU and the Stipulation of Dismissal [ECF No. 245] reserved jurisdiction in this Court, and specifically U.S. Magistrate Judge Mark R. Colombell, to enforce the terms of the Parties' final Settlement Agreement.

3. The Parties executed the Settlement Agreement on March 27, 2023 which incorporated the terms of the MOU.

4. The City's first status update on its review of its General Orders was due to Plaintiffs on June 27, 2023.

5. Counsel for the Plaintiffs contacted counsel for the City requesting an update on RPD's General Orders policy review<sup>1</sup> on the following dates:

- a. June 7, 2023;
- b. June 29, 2023;
- c. July 20, 2023; and
- d. July 31, 2023.

6. Each time, the City responded that a status update would be forthcoming, the most recent being Wednesday, August 9, 2023.

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<sup>1</sup> Terms of the settlement did not place a deadline for RPD's implementation and training on a First Amendment policy and counsel has been advised to expect a draft for review in the first two weeks of August 2023.

7. More than ninety (90) days have elapsed and to date, the Defendant has not provided the Plaintiffs with any information as to RPD's review of its General Orders review.

WHEREFORE, the Plaintiffs respectfully request that the Court schedule a status conference to enforce the settlement as outlined in the Memorandum of Understanding Regarding Settlement Agreement.

Dated: August 11, 2023

Respectfully submitted,

/s/ Terry C. Frank, Esq.  
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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of August, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of said filing to the following counsel of record:

Wirt P. Marks, Esq. (VSB #36770)  
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